

I. INTRODUCTION

A. Purpose

In all group activities, certain reasonable rules and regulations are required to permit orderly operation. In this department, employees are expected to conduct themselves in an orderly manner and be considerate of others. The following regulations are to be considered guidelines to your conduct and are not to be considered a complete listing of actions which are prohibited.

II. PERSONNEL LAWS AND REGULATIONS

A. General Provision

101 KAR 1:345 Section 1, states that "Appointing authorities may discipline employees for lack of good behavior or the unsatisfactory performance of duties."

Specific examples of behavior which are considered to be violations of the provision cited above are as follows:

1. Insubordination, i.e., refusal to perform duties as assigned by the supervisor. Your supervisor's job is to assign work duties. You are expected to perform these duties. If you feel the duties either break the law, rules or policies, are not safe, or you do not understand them, discuss them with your supervisor in private and explain your problem. If you still do not feel you should do the assignment, discuss the matter with your second line supervisor and/or the Personnel Manager.
2. An employee who demonstrated an attitude which has a detrimental effect upon work performance and/or the morale of his/her fellow employees may be found to be in violation of 101 KAR 1:345, Section 1. Generally, being uncooperative, inflexible, failing to perform to full capability, and the inability to get along with co-workers are characteristics of this type of attitude.
3. Violation of merit system laws and regulations and/or disregard of departmental policies and procedures.

B. Absence Without Leave

101 KAR 2:100 Section 9, states in part that an employee who is absent from duty without approval shall report the reason for his absence to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave. Such absence may constitute grounds for disciplinary action.

Specific examples of violations of the provision cited above are listed below:

1. Tardiness in reporting to work or in returning late from ones break or lunch is an unauthorized absence. Although, it is understood that circumstances beyond your control occasionally result in your being late. Dependent upon the circumstances employees may be permitted to use leave to account for the period of unauthorized absence; however, if tardiness becomes frequent or habitual, the use of leave will be denied and a deduction of pay shall be made and disciplinary action may be taken.
2. Failure to report to work without the prior authorization of leave is an absence without leave. Except in cases of emergency, all employees are expected to request the use of leave in advance in accordance with this agency's procedures governing leave. In the event of an emergency such as sudden illness, employees are required to call his/her supervisor or designee within the first hour of the work day. If any employee does not call in within the first hour of the work day (8:00 a.m. to 9:00 a.m.), the time between when the employee was scheduled to begin work and the time the call is received shall be considered an absence without leave and a deduction of pay shall be made and disciplinary action may be taken unless highly unusual circumstances are evident. If the employee fails to call in at all during the work day, a deduction of pay and disciplinary action shall be taken unless highly unusual circumstances are evident.

C. KRS 18A.140 Prohibition Against Discrimination and Political Activities

1. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or affiliations or ethnic origin or sex or disability. No person over the age forty (40) shall be discriminated against because of age.
2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.
3. No employee in the classified service or member of the board or its executive director or commissioner shall, directly or indirectly, pay or promise to pay any

assessment for political purposes or solicit or take any part in soliciting for any political party, or solicit or take any part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any political assessment, subscription, contribution, or service of any employee in the classified service.

4. No employee in the classified service or member of the board or its executive director shall be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Officers or employees of the classified service may be candidates for and occupy a town or school district office if the office is one for which no compensation, other than a per diem payment, is provided and the election is on a nonpartisan basis.

D. Guidelines

Pursuant to Personnel Memo 92-34 the following guidelines were taken from a series of Attorney General opinions on the political activities statute based from its inception in 1960. These opinions are not legally binding but are recommended to be used as a basis for what classified employees should consider as allowable and impermissible activities.

Permitted Activities

Permitted political activities while off duty include the following:

1. **Registration and voting.** Classified employees may register and vote in any election.
2. **Expression of Opinions.** All persons subject to the Personnel Rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management and in political campaigns.
3. **Contributions.** It is lawful for classified employees to make voluntary cash contributions to political parties, candidates or organizations; provided, however, it shall be unlawful for classified employees to make contributions of goods, labor and services.
4. **Membership in political clubs.** Classified employees may join a political club and attend its meetings, but may not hold office or serve on committees of the club.
5. **Attendance at political rallies, conventions, etc.** Employees covered by the classified service may attend political rallies and conventions and may participate in the selection of committeemen and committeewomen. Additionally, employees

covered by the classified service may vote at the lowest level of the selection process for delegates to the party conventions.

6. **Political pictures and signs.** It is lawful for classified employees to voluntarily display political pictures or signs on their property.
7. **Badges, buttons, and stickers.** It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on private automobiles; provided, however, that no political buttons, badges or other such designations may be worn by any classified employee of the Commonwealth while the employee is on official duty or while such employee is conducting official business for the Commonwealth.
8. **Precinct election officer-polls.** Classified employees may serve as precinct election officers at the polls.
9. **Constitutional Amendments, Referendums, etc.** Classified employees may work actively for or against constitutional amendments, referendums, municipal ordinances.
10. **Transporting voters.** Employees under the classified service while on their own time may drive friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as an organized service to a political party, faction, or candidate.

Prohibited Political Activities

Prohibited political activities, whether the employee is on or off duty, include but are not limited to the following:

1. **Political party involvement.** Classified employees are prohibited from serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention and in the selection of precinct committeemen and committeewomen.
2. **Political contributions.** A classified employee is prohibited from soliciting or handling political contributions.
3. **Political party tickets.** A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.
4. **Political club involvement.** A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any of its committees, of

addressing such a club on any partisan political matters, or of being active in organizing it.

5. **Political meetings and rallies.** A classified employee is prohibited from serving in connection with preparation for organizing or conducting a political meeting or rally or addressing such a meeting on any partisan political matter therein except to vote.
6. **Partisan activity at election polls.** A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.
7. **Candidacy for office.** A classified employee is prohibited from becoming a candidate for nomination or election to any office, Federal, State, county, or municipal, which is to be filled in an election in which party candidates are involved or for which compensation is paid (other than a per diem for school district office); or from soliciting others to become candidates for nomination or election to such offices.
8. **Campaign literature distribution.** A classified employee is prohibited from distributing campaign literature or material.
9. **Nominating petitions.** A classified employee is prohibited from initiating or circulating partisan political nominating petitions.
10. **Solicitation of political support.** A classified employee is prohibited from canvassing a district or soliciting political support for a party, faction, or candidate, either in person or in writing.

Posting Requirements

Each appointing authority shall post, in a form prescribed by the Department of Personnel, a copy or copies of KRS 18A.140 and these guidelines in a central area accessible to all classified employees of that cabinet, department or agency.

E. KRS 18A.145 Other Acts Prohibited

1. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of KRS 18A.005 to 18A.200 or in any manner commit or attempt to commit any fraud preventing the impartial execution of KRS 18A.005 to 18A.200 and the rules, regulations or orders thereunder.
2. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any

appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

3. No employee of the department, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under KRS 18A.005 to 18A.200, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.
4. No person shall make any false statement, record or report regarding hours, days, or other time worked by any employee. No person shall falsely prepare any payroll document or record relating to the pay for any employee.

F. KRS 18A.146 Felony Conviction Grounds for Disciplinary Action

1. As used in this section, "state employee" means a person regularly appointed to a position in the state service, whether classified or unclassified, for which he is compensated on a full-time or part-time basis.
2. Subject to the provisions of KRS 18A.095, any state employee who is convicted of a felony may be subject to any disciplinary action deemed appropriate, including dismissal from the state service.

III. DRUG-FREE WORKPLACE

The Commonwealth of Kentucky Employee Handbook contains requirements designed to promote a drug free workplace. Employee's are required to read and familiarize themselves with these requirements. (Public Law 100-690).

IV. EXECUTIVE BRANCH CODE OF ETHICS

The Commonwealth of Kentucky Employee Handbook contains information relating to provisions of the Executive Branch Code of Ethics. Employees are responsible for complying with the Executive Branch Code of Ethics which includes restrictions on outside employment and on future employment. For more details of the ethic laws that govern executive branch employees, see KRS Chapter 11A. If you have questions contact the agency Personnel Office or request an advisory opinion from the Executive Branch Ethics Committee.

V. SEXUAL HARASSMENT POLICY

State law prohibits unwelcome sexual advances; requests for sexual acts or favors, with or without accompanying promises, threats or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature which has the purpose or effect of adversely affecting an employee's performance or which creates a hostile or offensive working environment. Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

All claims of unlawful sexual harassment will be reviewed and resolved in accordance with the established complaint procedure. A copy of the procedure is available from the agency EEO Coordinator.

NOTE: All employees of the Department for Libraries and Archives are required to participate and complete the Sexual Harassment Prevention training.

VI. VIOLENCE IN THE WORKPLACE

Violence in the workplace involves more than the use of weapons, it can include shoving, harassing, and hitting as well as other acts. Threats of violence or innuendoes pertaining to violence, from employees or from customers will not be tolerated and should be immediately reported to your supervisor. All reports of such incidents will be investigated by management or by a law enforcement agency. In order to help insure the safety of our employees our worksite procedures prohibit the presence of firearms or any other type of weapons on the premises (building or grounds) except by sworn law enforcement officers on official state business.